

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|---------------------------------|---|--------------|
| CONSTANCE CASSEL | : | CIVIL ACTION |
| Plaintiff, | : | |
| | : | |
| vs. | : | NO. 05-1193: |
| JO ANNE B. BARNHART | : | |
| Commissioner of SOCIAL SECURITY | : | |
| ADMINISTRATION | : | |
| | : | |

AND NOW, this 16th day of September, 2005, upon consideration of the parties' Cross-Motions for Summary Judgment and the record in this case, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart dated August 18, 2005, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Jacob P. Hart dated August 18, 2005, is **APPROVED** and **ADOPTED**;
2. Defendant's Motion for Summary Judgment is **DENIED**; and,
3. Plaintiff's Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART**. The case is **REMANDED** to the Commissioner of the Social Security Administration in accordance with the fourth sentence of 42 U.S.C. § 405(g), for the taking of additional testimony from a vocational expert; the taking of medical evidence on the subject of whether the combination of the plaintiff's impairments equals a listed impairment; and a subsequent re-evaluation of plaintiff's testimony, if necessary. In all other respects, plaintiff's Motion for Summary Judgment is **DENIED**.

BY THE COURT:

/s/ Honorable Jan E. DuBois
JAN E. DUBOIS, J.